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SERVICE DATE – DECEMBER 27, 2016

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36054

KOKOMO RAIL CO., INC.—ACQUISITION AND OPERATION EXEMPTION—RAIL  
LINE OF INDIAN CREEK RAILROAD COMPANY

Decided: December 23, 2016

On August 2, 2016, Kokomo Rail Co., Inc. (KRC), filed a verified notice of exemption under 49 C.F.R. § 1150.41 to acquire from Indian Creek Railroad Company and operate approximately 4.55 miles of rail line in Madison County, Ind. The notice was served and published in the Federal Register on August 18, 2016 (81 Fed. Reg. 55,258-59), and the exemption became effective on September 1, 2016.

By letter filed on November 17, 2016, KRC requests withdrawal of its verified notice. KRC states that the acquisition and operation transaction authorized by the exemption has not been, and will not be, consummated.

KRC's request for withdrawal is reasonable and will be granted. Although the exemption became effective on September 1, 2016, the authority conferred is permissive, and the November 17 letter indicates that the transaction has not been, and will not be, consummated. Accordingly, KRC's verified notice is considered withdrawn, and the proceeding will be dismissed.

It is ordered:

1. KRC's request for withdrawal of its verified notice is granted and the proceeding is dismissed without prejudice.

2. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.